

### **REMARKS/ARGUMENTS**

Applicants respectfully submit that this Amendment should only require a cursory review because the claim amendments presented herein do not add any new features, do not significantly alter the scope of the claims and/or present new issues. Consequently, the claim amendments should not require any further search by the Examiner. This Response is believed to place this application in condition for allowance and its entry is respectfully requested and would be much appreciated.

In the alternative, should the Examiner decide not to enter this Response as a result of the amendments to claim 42, Applicants authorize the Examiner to cancel claim 42 without prejudice. The cancellation would thus place the Application in condition for allowance and its entry is respectfully requested and appreciated.

#### **Allowable Subject Matter**

Claims 1-3, 5-28, 33-36 and 41-42 have been allowed.

#### **Rejection under 35 USC § 103(a)**

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,555,438 (Wu) in view of US 6,204,103 (Bai). Applicants respectfully disagree.

However, to expedite prosecution, Applicants have amended claim 42 to further include the limitation that the gate electrode comprises a work function close to about a mid-gap of silicon band gap. As such, claim 42 contains limitations similar to claim 1, with the addition that source/drain contacts are formed simultaneously with the gate electrode. As such, amended claim 42 is now patentable over the cited art for at least the same reasons as claim 1.

**Conclusion**

In view of the foregoing, Applicants believe that all claims now pending in this Application are in condition for allowance. Accordingly, issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner believe that a telephone conference would expedite prosecution of this Application, please telephone the undersigned attorney at his number set out below.

Date: April 30, 2008

Respectfully submitted,

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